

Express Mail Label No.: E 3548598US  
Date of Deposit: September 12, 2000

9-13-00 A/prov.  
PATENT APPLICATION  
Attorney Docket No. 15966-577 (Cura-77)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR OR Shimkets, *et al.*  
APPLICATION IDENTIFIER:

FOR: GROWTH FACTOR POLYPEPTIDES AND NUCLEIC ACIDS  
ENCODING SAME

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR FILING A NEW NONPROVISIONAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a new nonprovisional application under 37 C.F.R. §1.53(b).
2. ☒ Specification and Drawings (Total pages: 146);  
Specification (125 pages); Claims (10 pages); Abstract (1 page); and  
Drawings: 10 sheets; FIGS. 1 – 11.  
☒ Formal  
☐ Informal
3. ☒ Declaration and Power of Attorney  
☐ Unsigned  
☒ Signed
4. ☒ Nucleotide/Amino Acid Sequence Submission, paper copy (14 pages)  
☒ Statement in Support of Computer Readable Form Submission (1 page)  
☒ Nucleotide/Amino Acid Sequence Submission, CRF (1 disk)
5. ☒ Assignment Papers  
☒ Recordation Form Cover Sheet (PTO-1595)  
☒ Assignment Document  
☒ Recordation fee: Check for \$40.00
6. ☒ Statement Claiming Small Entity Status  
☐ Claiming Small Entity As Independent Inventor (37 C.F.R. §§1.9(f) & 1.27(b)).  
☒ Claiming Small Entity As Small Business Concern (37 C.F.R. §§1.9(f) & 1.27(c)).  
☐ Claiming Small Entity As Nonprofit Organization (37 C.F.R. §§1.9(f) & 1.27(d)).

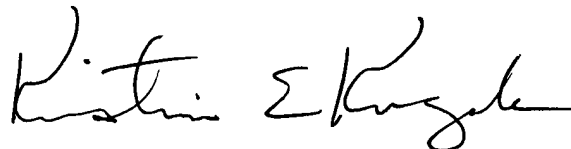
FIRST-NAMED INVENTOR OF Shimkets, et al.  
APPLICATION IDENTIFIER:  
Request for New Nonprovisional Application (37 C.F.R. §1.53(b))

7. Fee Calculation

| CLAIMS AS FILED   |              |                     |              |          |                                      |
|---|--------------|---------------------|--------------|----------|--------------------------------------|
| Claims  | Number Filed | Basic Fee Allowance | Number Extra | Rate     | Basic Fee 37 C.F.R. 1.16(a) \$690.00 |
| Total Claims (37 C.F.R. 1.16(c))                        | 65           | - 20 =              | 45           | \$ 18.00 | 810.00                               |
| Independent Claims (37 C.F.R. 1.16(b))                  | 1            | - 3 =               | 0            | \$78.00  | 0                                    |
| Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d)) |              |                     |              | \$260.00 | 0                                    |
| SUBTOTAL:   |              |                     |              |          | \$1500.00                            |
| Reduction by 50% for filing by small entity:            |              |                     |              |          | - \$750.00                           |
| TOTAL FEE:  |              |                     |              |          | \$750.00                             |

8. ☒ A check in the amount of **\$750.00** is enclosed.
9. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 15966-577:
- ☒ Fees required under 37 C.F.R. §1.16;
- ☒ Fees required under 37 C.F.R. §1.17;
- ☒ Fees required under 37 C.F.R. §1.18.
10. ☒ Return Receipt Postcard Enclosed.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529  
Kristin E. Konzak, Reg. No. 44,848  
Attorney/Agent for Applicants  
c/o MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY AND POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

DATE: September 12, 2000

TRADOCS:1373172.1(TFJ\_011.DOC)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Shimkets *et al.*  
ASSIGNEE : CuraGen Corporation  
SERIAL NUMBER : Not Yet Assigned EXAMINER : Not Yet Assigned  
FILING DATE : herewith ART UNIT : Not Yet Assigned  
FOR : GROWTH FACTOR POLYPEPTIDES AND NUCLEIC ACIDS  
ENCODING SAME

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

**CuraGen Corporation**  
**555 Long Wharf Drive, 11<sup>th</sup> Floor**  
**New Haven, Connecticut 06511**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above;  
☐ the application identified above; or  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Applicant: Shimkets *et al.*

USSN: not yet assigned, Attorney Docket No. 15966-577 (Cura-77)

Each person, concern, or organization having any rights in the invention is listed below:

☒  
☐

no such person, concern, or organization exists.

each such person, concern, or organization is listed below:  $\omega$

$\omega$  Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

George A. Xixis, Esq.

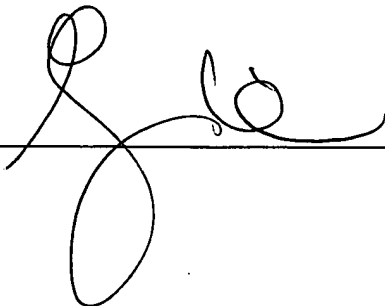
Title in organization of person signing:

Intellectual Property Counsel

Address of person signing:

CURAGEN CORPORATION  
322 East Main Street  
Branford, Connecticut 06405

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

8/17/2000

TRADOCS:1360651.1(T5VV01!.DOC)